

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Clarence J Porch
Darlene D Porch
Debtor(s)

Bankruptcy Case No.: 19-23819-CMB
Issued Per June 25, 2020 Proceeding
Chapter: 13
Docket No.: 43 – 6, 42
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 19, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$3,939 as of July 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Baldwin Borough sewage (Claim No. 1); Capital One Auto Finance (Claim No. 4) as pay in full; PA Department of Revenue (Claim No. 5); I.R.S. (Claim No. 7); M&T Bank (Claim No. 24–2) .
- ☒ H. Additional Terms: G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Borough of Baldwin real estate tax (Claim No. 30); Borough of Baldwin Borough and Baldwin–Whitehall School District (Claim No. 31).

The claim of Navient Solutions (Claim No. 8) shall be paid per plan as specially classified.

Attorney fees are based on a retainer of \$1,200.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

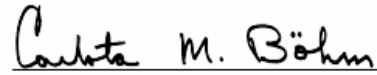
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: June 30, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 5 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Clarence J Porch
 Darlene D Porch
 Debtors

Case No. 19-23819-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 48

Date Rcvd: Jun 30, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 02, 2020.

db/jdb
 cr +Clarence J Porch, Darlene D Porch, 5410 Mcannulty Rd, Pittsburgh, PA 15236-2535
 +Borough of Baldwin/Baldwin-Whitehall School Distri, Goehring, Rutter, and Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES 15219-6101
 cr +Dep't of Revenue Office of Attorney General, Anthony T. Kovalchick, 1251 Waterfront Place,
 Mezzanine Level, Pittsburgh, PA 15222-4227
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 15131576 Baldwin Boro, Gerid Jenko Esq, 614 Lebanon Rd, West Mifflin, PA 15122
 15136407 +Baldwin Borough, c/o Legal Tax Service, 714 Lebanon Road, West Mifflin, PA 15122-1030
 15131577 +Blaze Mastercard, Box 5096, Sioux Falls, SD 57117-5096
 15173912 +Borough of Baldwin, GRB Law, c/o Jeffrey R. Hunt, Esq., 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh PA 15219-6101
 15173945 +Borough of Baldwin & Baldwin-Whitehall School Dist, GRB Law, c/o Jeffrey R. Hunt, Esq.,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh PA 15219-6101
 15131580 +EOS CCA, Box 981002, Boston, MA 02298-1002
 15131581 +First National Credit Card, Box 2496, Omaha, NE 68103-2496
 15131582 +First Premier Bank, Box 5529, Sioux Falls, SD 57117-5529
 15131583 +First Savings Credit Card, Box 2509, Omaha, NE 68103-2509
 15131584 +Fortiva Credit Card, Box 790156, Saint Louis, MO 63179-0156
 15131585 +Genesis FS Card Services, Box 4477, Columbus, GA 31914-0477
 15131587 +Lending Club, 595 Market St, Suite 200, San Francisco, CA 94105-2807
 15131590 +Mariner Finance, LLC, 8211 Town Center Drive, Nottingham, MD 21236-5904
 15131592 +PA Dept of Revenue, Box 280427, Harrisburg, PA 17128-0427
 15131594 +Reflex Mastercard, Box 6812, Carol Stream, IL 60197-6812
 15156261 +The Bank of Missouri, PO Box 105555, Atlanta, GA 30348-5555
 15131595 +UPMC, Box 371472, Pittsburgh, PA 15250-7472
 15161928 UPMC Health Services, PO Box 1123, Minneapolis MN 55440-1123
 15159160 UPMC Physician Services, PO Box 1123, Minneapolis MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Jul 01 2020 06:21:27
 Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 01 2020 06:21:50
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15131575 +E-mail/Text: amscbankruptcy@adt.com Jul 01 2020 06:09:38 ADT Security Services, Inc.,
 3190 South Vaughn Way, Aurora, CO 80014-3512
 15131578 +E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Jul 01 2020 06:20:49
 Capital One Auto Finance, Box 60511, City of Industry, CA 91716-0511
 15138224 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Jul 01 2020 06:21:27
 Capital One Auto Finance, a division of Capital On, P.O. Box 4360, Houston, TX 77210-4360
 15151848 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 01 2020 06:21:25
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15131579 +E-mail/PDF: creditonebknofications@resurgent.com Jul 01 2020 06:21:30 Credit One Bank,
 Box 60500, City of Industry, CA 91716-0500
 15136894 E-mail/Text: mrdiscen@discover.com Jul 01 2020 06:07:12 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15168188 +E-mail/Text: kborkley@bernsteinlaw.com Jul 01 2020 06:09:32 Duquesne Light Company,
 c/o Bernstein-Borkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 15131586 +E-mail/Text: sbse.cio.bnc@mail@irs.gov Jul 01 2020 06:07:30 IRS, Box 37004,
 Hartford, CT 06176-7004
 15166841 E-mail/Text: JCAP_BNC_Notices@jcap.com Jul 01 2020 06:08:58 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 15157005 E-mail/PDF: resurgentbknofications@resurgent.com Jul 01 2020 06:20:46 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15131588 +E-mail/PDF: gecsed@recoverycorp.com Jul 01 2020 06:21:37 Lowes Synchrony Bank,
 Box 530914, Atlanta, GA 30353-0914
 15131589 E-mail/Text: camanagement@mtb.com Jul 01 2020 06:07:33 M&T Bank, Box 62182,
 Baltimore, MD 21264
 15163754 E-mail/Text: camanagement@mtb.com Jul 01 2020 06:07:33 M&T Bank, PO Box 840,
 Buffalo, NY 14240
 15131591 +E-mail/PDF: pa_dc_claims@navient.com Jul 01 2020 06:22:46 Navient, Box 9533,
 Wilkes Barre, PA 18773-9533
 15147229 +E-mail/Text: GUARBKe-courtdocs@ascendiumeducation.org Jul 01 2020 06:07:06
 Navient Solutions, LLC on behalf of, Ascendium Education Solutions, Inc., PO Box 8961,
 Madison, WI 53708-8961
 15140230 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jul 01 2020 06:08:18
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg, PA 17128-0946

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 48

Date Rcvd: Jun 30, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15161141 +E-mail/Text: JCAP_BNC_Notices@jcap.com Jul 01 2020 06:08:58 Premier Bankcard, LLC,
Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
15163186 E-mail/Text: bnc-quantum@quantum3group.com Jul 01 2020 06:08:05
Quantum3 Group LLC as agent for, GPCC I LLC, PO Box 788, Kirkland, WA 98083-0788
15132547 +E-mail/PDF: gecsed@recoverycorp.com Jul 01 2020 06:22:30 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15140331 +E-mail/Text: bankruptcy@huntington.com Jul 01 2020 06:08:27 The Huntington National Bank,
P O Box 89424, Cleveland OH 44101-6424
15166256 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jul 01 2020 06:33:36 Verizon,
by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
15131596 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jul 01 2020 06:06:58
Verizon, Box 25505, Lehigh Valley, PA 18002-5505
15131597 +E-mail/Text: bkr@virtuososourcing.com Jul 01 2020 06:09:47 Virtuoso Sourcing,
4500 Cherry Creek South Drive, Suite 500, Denver, CO 80246-1500

TOTAL: 25

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr M&T Bank
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15131593 ##+Penn Credit Corp, 916 S 14th St, Box 988, Harrisburg, PA 17104-3425

TOTALS: 1, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 02, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 30, 2020 at the address(es) listed below:

Anthony T. Kovalchick on behalf of Creditor Dep't of Revenue Office of Attorney General
akovalchick@attorneygeneral.gov
Brad L. Hamric on behalf of Joint Debtor Darlene D Porch hamriclaw@comcast.net
Brad L. Hamric on behalf of Debtor Clarence J Porch hamriclaw@comcast.net
James Warmbrodt on behalf of Creditor M&T Bank bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Borough of Baldwin/Baldwin-Whitehall School District
jhunt@grblaw.com, cnoroski@grblaw.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 9